



CUMBERLAND COUNTY

NORTH CAROLINA

Board of Adjustment

MINUTES
18 December 2025
6:03 PM

Members Present

Vickie Mullins-Chair
Donald Brooks
Gary Silverman
Jospeh Stephens

Absent Members

Brenée Orozco
Jacob Dluzak
Kenneth Turner
Veronica Mitchell-Rozer

Staff/Others Present

David Moon
Telly Shinas
Matthew Mottinger
Oswaldo Garcia
Robert Hasty (Asst County Attorney)

Chair Mullins called the meeting to order at 6:03 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION& PLEDGE OF ALLEGIANCE

Jospeh Stephens gave the invocation and Pledge of Allegiance was recited by all.

2. ROLL CALL

Deputy Director David Moon called the roll and made note of the absence of Brenée Orozco, Jacob Dluzak and Kenneth Turner, and Veronica Mithcell Rozer. Mr. Moon started a quorum was established.

3. SWEAR IN STAFF

Chair Mullins swears in David Moon, Telly Shinas, Oswaldo Garcia, and Matthew Mottinger

4. APPROVAL OF THE NOVEMBER 20, 2025, MINUTES

Joseph Stephens made a motion to approve, and Donald Brooks seconded the motion, all unanimously approved.

5. ADJUSTMENTS TO AGENDA

There were none.

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Deputy Director Moon read the policy statement.

9. PUBLIC HEARING(S)

Chair Mullins opened the public hearing for cases at 6:09 pm.



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BOA-2025-0019: Variance from Section 1104, District Dimensional Provisions and Section 1002.E.4, Incidental Uses, County Zoning Ordinance, requesting a reduction in the minimum side yard setback standard by up to 12 feet for a proposed accessory structure on a parcel containing 1.26 +/- acres; located 2371 Solomons Pass; submitted by Terrance & Janice Corbin (Owners).

Telly Shinas, Current Planning Manager, on the behalf of the County Planning staff gave a presentation on the findings for the BOA ruling requested by the applicant. A PowerPoint presentation was presented to the Board.

1. The request comes from the applicant's attempts to meet the strict letter of the code for the County Zoning Ordinance while adhering to minimum distance separation requirements between the proposed shed and the repair area and drain lines for the septic system.
2. With Section 1101.D, Recorded Lots Less Than Minimum Requirement, County Zoning Ord., the applicable RR Rural Residential District's minimum yard setback standards would have the accessory structure adhere to the minimum setback standards of the three other property lines.
3. Per the Variance site plan's scale, the proposed location of the shed would place it approximately 22 feet away from the septic system's future repair area depicted in Exhibit "B". The Environmental Health Department's minimum distance separation standard for all parts of a septic system is five (5) feet from structures. With the current distance of 22 feet, space appears to be available to place the proposed storage building further to the lot interior, but more than five feet from the septic repair area, allowing the storage building to comply with setback standards.
4. This Variance request shall only apply to an accessory storage building up to 1,800 sq ft in floor area at the proposed location appearing on the Variance site plan and shall be no closer than eight (8) feet from the northeastern side yard property line. If any changes are made to the approved variance to increase size or height of the storage building or to move it closer to the side yard lot line, a new variance request must be reviewed and approved by the Board of Adjustment.
5. An existing six-foot high fence occurs behind the front of the house and along the side yard property line next to residential lots to the north and east as well as and along School Rd to the south. However, this fence was installed without a fence permit and does not comply with setback standards for the fence section along School Rd.

Gary Silverman: Question on the previous document, could you point out where it says, 98-foot feet from school road where is, which is the school road? Could you point it out?

Telly Shinas: the next slide will show it better.

Donald Brooks: excuse me, you said 180 square feet, you mean 1800 square feet

Telly Shinas: one thousand **eight hundred square feet**.

Donald Brooks: Okay.

Telly Shinas: the proposed site is located off the northeast corner of school road and Solomon Pass. The applicant and owner is Terrence and Janice Corbin. There is no agent. The request is a variance, and the intent is to construct and build a storage building within the side yard setback. The property in question is outlined in red, and it's hashed out. You do have pan drive here, Solomon Pass here, and school road right here.

Telly Shinas: Telly read the four variance criteria verbatim. The burden of proof is placed on the applicant to demonstrate compliance with each of these criteria.

The owner requests two variances: first, allow proposed storage building to be as close as eight feet from the property line. Code requirement is 15 feet. Second, accessory structures larger than 700 square feet



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in floor area shall be built within the building envelope. Code requirement 15 feet from the side yard property line.

Telly Shinas: The zoning is A1CU, with regards to a conditional use, since the property is less than two acres, the RR zoning setbacks would be applicable for this site and would apply and the surrounding zoning to the north and southeast is A1 per section, 1101D counting zoning ordinance the subject property reported as less than two acres in the A1 district shall have the RR rural residential district standards apply. Therefore, front yard would be 30 feet based on the RR dimensional requirements for front yard, the side setbacks would be 15 feet. In this case, in the RR zoning dimensional requirements T **Telly Shinas:** variance request number two, section 1002E4, accessory structures. Again, the accessory structure anything greater than 700 square feet in floor area must be located in the inside building envelope. Therefore, this structure is 1800 square feet, as I mentioned earlier, and because of that, it would require a variance for that requirement, because it's greater than 700 square feet,

Telly Shinas: this is a sketch or of the building diagram, the height of this building will be, of course, 12 feet. And in terms of mass and scale of the building, you have 1800 square feet.

Telly Shinas: The subject property is located, again in the outline red area hatched out and surrounding properties northwest and east of this site directly are residential, single family detached dwellings. This is a close up of the property in question, the subject parcel outlined in red, the current owner purchased the property in July 2025, the fence line has existed since at least 2020. The residential dwelling has existed since at least 2007.

Donald Brooks: is this a 2 acres parcel of land.

Telly Shinas: No, the subject property outlined in red is 1.26.

Donald Brooks: 1.26?

Telly Shinas: Yes

Joseph Stephens: What constitutes the backyard?

Telly Shinas: this would be the interior lot line. Those would be the side yard. The front yard would be the ones facing the roadways.

Deputy Director Moon: for a corner lot. There are two front yards and two side yards, okay, but the backyard would represent the rear of the house, so the front door faces Solomon's pass the backyard had has two side yard setbacks that apply because it's a corner lot.

Donald Brook each parcel that's on a street is considered a front yard. Since it's on the corner, there's two fronts?

Telly Shinas: Yes

Deputy Director Moon: Correct

Donald Brooks: Now, what else is on the 1.26 acre then that residential house, or shed

Telly Shinas: There is a detached drain field

Donald Brooks: There is a building and . . .

Deputy Director Moon: There's a garage, and then, as you'll see in the upcoming photos of the site, there is a six-foot-high wood stockade fence that extends along the perimeter of the property at the rear of the home. You can see part of the fence at that location, but there is no other shed that we're aware of in the backyard

Telly Shinas: the variance criteria responses from the applicant are provided in your staff report and as well on this slide, the applicant is here to speak on that as well. The staff's findings for both variance requests. It meets the setback standards of three other property lines for the RR district. Space appears to be available to place the proposed structure building further to the lot interior, but more than five feet from the septic repair area, allowing the storage building to comply with the setback standards. Variance only applies to the accessory storage building of up to 1800 square feet in the floor area at the location appearing on the variance site plan that has been presented to you, the storage building shall be no closer than eight feet from the north eastern side property line, as noted on the variant site plan, provided



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if any changes are made to the approved variance to increase the size or height of the storage building or to move it closer to the side yard lot line, a new variance request must be reviewed and approved by the Board of adjustments. The existing six-foot-high fence provides a screen from the adjacent residential and traffic along school road. However, with the fence was installed without a fence permit and does not comply with the setback standards for a fence section along the school road. This is a view of the subject property from across school road. I Al. This is a view from school road. You can see the fence that has been built and constructed. This is an East view of school road. You can see the fence again along the north side of school road on the subject property. This is a view looking across the street from the subject site. Here's a West view of school road with the fence you can see clearly close to the right of way. So away final disposition, approve, deny or approve with conditions and granting the approval of the variance, the board of adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest, and as authorized under the NC General statutes, chapter 160 D further, if you go in your staff report that's been flagged with the blue tab, you will find under the section called motion, the board of adjustment is requested to take action and motions based on the four variance criteria from section 1605 variance of the Cumberland County zoning ordinance. It is the decision is final, and the BOA has the authority to approve, deny or approve with conditions the bill is requested to make a separate motion for each variance request you have before you suggested language from staff, the First one has a motion to approve the two variances with the language that you can use in your motion suggested by staff. There is a condition, of course, should you approve that staff has prepared for you? Should you decide to approve the variance, two variance requests, and the condition that would apply that is suggested, if the VOA takes a position that the fence is necessary to screen the storage building, the motion can include a condition that a six foot high solid fence must be installed along the side yard and along school Road, consistent with the county zoning ordinance. What that means is that they need to get a fence permit, and said fence shall remain and be maintained as long as the storage building is placed at the approved location. Such action will require the property owner to relocate the section of the existing fence along the school road to a new location at least 30 feet prior to the issuance of the building permit for the storage building. That concludes my presentation. Thank you, Madam, Chairman and members of the board.

Chair Mullins: Thank you, do we have any question?

Deputy Director Moon: there's no additional staff comments, if you'd like to open the meeting to the public hearing, we do have one speaker who is the applicant

Gary Silverman: I do have a question concerning the paragraph concerning the fence and it is necessary to screen the storage building. Is there a requirement within the code for fence or screening of such type for a storage building?

Deputy Director Moon: No, there is no screen. But the request is to place a larger storage building into the setback to encroach the setback, and it's placing it closer to a single-family home to the east of the property. And it's also without a fence. Is visible from school road if there's a condition placed on approval the variance by the board that would require the fence to remain while the storage building is on the property. They would be required to have it without that condition. They could remove the fence at their own volition.

Gary Silverman: Correct if I am wrong, you say that there is no absolute criteria to have a screening for this size structure

Deputy Director Moon: Correct, its not required to screen the shed.

Telly Shinas: Madam Chair, but the applicant is proposing to move, proposing the storage shed to be closer eight feet from the side property line. So, the if you look at the aerial, you'll see the existing home next door, and the proposed shed would be located instead of the 15 foot they would be eight feet closer to the side property line.



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Gary Silverman: So, does granting the variance from 15 feet to 8 feet translate into a screening requirement?

Deputy Director Moon: No

Chair Mullins: I have one question for the board. By chance the building they said, they are wanting to put in, did they include in how large it is, like the 1800, since it's built on a slab, did they include the concrete pieces of 1800?

Deputy Director Moon: I'm not prepared to answer that question, but at the time of the building permit, the code enforcement division would determine whether a slab and how thick the slab must be. It probably requires a slab. It's what depends on how thick

Chair Mullins: I just didn't know the extra is. Was that included in the 1800 or not

Gary Silverman: I see what you are saying, with the slab extending beyond the building, beyond the footprint of the building, usually would not.

Chair Mullins: right, with the overhang comes out, so I was just wondering if that was part it

Deputy Director Moon: of the square footage

Chair Mullins: Right

Deputy Director Moon: our understanding is that the 1800 square feet applies to the interior floor area of that storage building.

Chair Mullins: okay, thank you

Jospeh Stephen: is it going to be a metal building or is it going to be stick building?

Telly Shinas: the applicant is here, and they can further speak on the subject

Donald Brooks: The size of the building, 1800 square feet, is that normal? For instance, in residential, is there a square footage size of a storage ability? Or can it be any size?

Deputy Director Moon: Typically, they're less than 700 square feet, the code states that it's over 700 square feet, then it's treated as a primary structure. We have had property owners that wanted more than 700 square feet of storage area to avoid that second variance for the 700 square feet, they've had two sheds, each with 700 square feet. They can have multiple storage facilities. They just can't be greater than 700 square feet.

Donald Brooks: So, this would mean a single, 1800 square feet

Deputy Director Moon: correct

Donald Brooks: And you said that is considered primary as far as the residents or primary as what

Deputy Director Moon: As far as the setbacks, it's treated similar to the primary structure, similar to the setbacks for the house.

Donald Brooks: The house, Okay

Deputy Director Moon: setbacks

Donald Brooks: Now on this illustration here, that porch area, or whatever that's coming that I'm looking at here is that part of the building, or set in addition, or civilian just to rectangle part, and that porch is additional to the 1800 square feet

Deputy Director Moon: it would be additional to the 1800 square feet, but we would not consider it as enclosed

Donald Brooks: but it looks like concrete extending beyond the 1800 square feet building, for that not encloser part, so the concrete is not considered when we're looking at the actual size of the concrete not the building size

Deputy Director Moon: There is no code regarding a slab in someone's backyard. If you wanted to put a slab in your backyard, you likely would be able to. It's when the vertical structure is constructed, that's where a building permit and the codes would apply.

Donald Brooks: only to the building not the slab

Deputy Director Moon: Correct



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Joseph Stephens: would the homeowner be willing to explain to us why they don't want to move it 7 feet forward to get the 15 feet variance

Deputy Director Moon: that's up for the chair to open the public meeting. If you're done with questions of staff, there's no more questions for staff

Chair Mullins open the meeting to the public floor at 6:36 pm

Chair Mullins swears in property owner/applicant Janice Corbin

Joseph Stephens: is there a reason why you just don't move the building forward 7 feet to get the variance?

Janice Corbin: He built a pool, and then the pool has the repair where the inspector said that we have to build the shed on that part

Jospeh Stephens: So, is it the repair areas for the septic system, for the leach field. The repair areas for a swimming pool?

Janice Corbin: in case the septic tank will have, would have any problem, they can go to the repair

Jospeh Stephens: Okay, so it's a repair area for the leaching, not the for the pool?

Janice Corbin: Yes

Deputy Director Moon: So, the board understands the septic system has the drainage area, but it's only good for a certain number of years, and then a second area called the repair area, is used as the discharge area.

Telly Shinas: If you look on your slide show you'll see the area 30 by 60 in here. And here's the drain field right there and I believe this is the in-ground pool

Gary Silverman: where is the septic tank? at the bottom of the drainage area

Gary Silverman: What is the use of the shed?

Janice Corbin: we have a fitness Pilates studio,

Gary Silverman: a Pilates studio?

Janice Corbin: yes, we own a studio, and then we need the storage to put some of our storage equipment to store there, and some apparels that we do use to sell in our studio. So this is the main reason

Gary Silverman: storage?

Janice Corbin: Yes

Gary Silverman: concrete slab?

Janice Corbin: Yes

Joseph Stephens: Its metal or going to made out of wood?

Janice Corbin: for the shed?

Joseph Stephens: Yes, it's not like the picture, where is going to be a stick built shed

Janice Corbin: Yes, stick built

Chair Mullins: I have a question, on your site plan, your building is a 35x60x12, there is a 15-foot supposed to do for a variance. You have 15 feet between your pool and something else that say conventional. Can you explain that? Because if you've got 15 feet right there, can you not pull whatever that 35x60 is right there

Jospeh Stephens: that is the repair area

Chair Mullins: Yes

Gary Silverman: You mean between

Chair Mullins: Yeah, between your in-ground pool and the conventional, you got 15 feet right there. Is there any way that you can pull that up 7 feet to make it the 15 feet for your building

Joseph Stephens: the conventional was referring to what type of leach field. I have a pump system where it has to pump up, and I have a repair area designed where they did my plot land, so they have to



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maintain that. So that way, if the original leech field fails, they can install a new leach field in that area. So, I understand why this is another department

Chair Mullins: I didn't know it was a building

Jancie Corbin: No

Gary Silverman: that distance between has to be maintained

Jospeh Stephens: I'd be curious to know what the distance is from the tail end of that 60-foot repair area is to shed, yeah, and see if there wasn't a little wasn't a little wiggle room in there.

Gary Silverman: can you comment on that, distance between the furthest edge of that repair area closest edge of the shed? What that distance is?

Jancie Corbin: Did my husband put the distance

Gary Silverman: yeah, where that arrow was in the last slide? If that's, the distance that other department said has to be maintained?

Deputy Director Moon: do you know that distance between the two

Jancie Corbin: No

Gary Silverman: The question is, is that distance specified by that other department or is it wiggle room as you move the shed back? Move the shed back

Deputy Director Moon: My understanding is there has to be a five-foot separation and that the repair area cannot be covered, and you can't have a parking lot over it and you can't have a building over it

Gary Silverman: definitely, you can't have them overlap each other, the question is, I realize this diagram is not to scale and it hard to tell from the diagram

Jancie Corbin: I believe my husband wants to, like, utilize the space of the backyard, but if we need to move it away from the fence properly,

Jospeh Stephens: from the fence in the back

Jospeh Stephens: so were 8-feet, I mean I'll feel great about is coming 7-feet way then you've given us the 15 feet then you're just looking, you know, there

Chair Mullins: there shouldn't be an issue once if we can get to the 15-feet and you are asking for the 5 feet?

Deputy Director Moon: 8 feet

Donald Brooks: The building itself is or seven is parallel to that back fence the structure, the square structure could not be slanted down so that it is parallel to that square, instead of the fence. Right now the building is we have this area here. The building is going this way. Could the building not come down this more so it would be more square this way, see the, see the left corner of the fence, where the, what areas, is moving over to the No to the other way, to the bottom of that corner. To come down a bit more that corner there. Okay, see the other corner? Could you not bring that corner there down.

Deputy Director Moon: So, you are referring to rotating the building

Donald Brooks: Yes

Gary Silverman: it wouldn't be parallel exactly.

Donald Brooks: to the fence?

Gary Silverman: to the property line.

Donald Brooks: right.

Gary Silverman: It would come down and be parallel.

Deputy Director Moon: rear of the house, parallel to the house.

Gary Silverman: Yes, and you can get that 15 foot, and I guess everything hinges on the distance, and I realized the diagram it's not the scale, the distance between the edge of the repair area and the edge of the shed. What's that distance there? you can't tell us on the diagram, it could be 30 feet or 2 feet.

Chair Mullins: where of course what you were saying, the conventional, you got 15 feet between it? Can it not be? Or does it have to be 15 feet from the corner?



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Joseph Stephens: but rules that the guys that do the perk test, I don't, can't remember the name of that department, but they, you know, your well is going to be 100 feet from your house, your septic system is going to be so many feet away. So, they need to have 15-feet because if that fails, they've got to be able to get equipment in there to dig up the ground. And, you know, you've got an in-ground swimming pool there. So, I'm sure that 15 feet was kind of mandatory by the that department when they said, where that? Because I've got a plan at home, where my I already know what my repair area is before we even put the field.

Chair Mullins: okay, I was just wondering.

Donald Brooks: does the shed have to be that size?

Jancie Corbin: it is my husband request.

Jospeh Stephens: your husband should be here

Jancie Corbin: he is in the middle east.

Chair Mullins: are there any other questions?

Jospeh Stephens: so it is purely storage?

Jancie Corbin: Yes.

Jospeh Stephens: there will not be any classes conducted in there

Jancie Corbin: No, we have our own studio, at this moment, our equipment is scattered in our garage, living room, so it is everywhere

Jospeh Stephens: we need now is there a wooden fence that goes along the closest area to that shed. I could tell by the pictures that there was wooden fence along the school road. But does it go through the wood line?

Jancie Corbin: Yes

Jospeh Stephens: there was a fence that goes through there as well, all around

Jancie Corbin: yes,

Gary Silverman: you mean along with that property,

Jancie Corbin: yes

Gary Silverman: How high is the fence?

Janice Corbin: 6 feet

Chair Mullins: any other questions for Ms. Corbin?

Chair Mullins: staff are there any other speakers?

Deputy Director Moon: Madam Chair, there are no other speakers

Char Mullins swears in Jamie White

Jamie White: yes, I didn't think I was goanna have any questions, I didn't they would affect me, and I don't mind a shed being built that was massive, I was concerned on how the variance is changing. RR, that means I just that's not going to affect me, because we have horses. and I don't want her shed and her stuff to affect me.

Chair Mullins: she's one the backside.

Deputy Director Moon: Your property is on Penn. Your property is zoned a one agriculture, so this does not affect the zoning on your property.

Jamie White: that is all I wanted to ask, thank you.

Chair Mullins: anybody have anymore questions?

Chair Mullins close the public portion of the hearing at 6:50 pm

Chair Mullins: any more discussion? Okay

Chair Mullins: anyone want to make a motion



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Gary Silverman: makes "Motion to approve the two variances to allow an accessory storage building of up to 1,800 square feet to be placed no closer than eight (8) feet from the northeastern side yard property line, as appearing in the Variance Site Plan. The Board finds the two variance requests satisfy the four variance criteria based on the owner's response provided in Exhibit "G". The variance only applies to the accessory storage building appearing in the Variance Site Plan. Any proposed expansion of the accessory storage building or alternate location must be approved by the Board of Adjustment through a variance application. The variance request is granted for one year unless a building permit application has been approved and remains for the accessory storage building. If the building permit application expires before completion of the accessory storage building construction, the variance also expires."

Jospeh Stephens: seconds the motion to approve

Chair Mullins: all in favor

The Board Members voted unanimously to approve the two variances for BOA-2025-0019

10. OTHER BUSINESS:

None

11. DISCUSSION/UPDATES(S):

None

12. ADJOURNMENT

Chair Mullins: Adjourned at 6:53 pm